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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 LOCALS 302 AND 612 OF THE
8 INTERNATIONAL UNION OF
9 OPERATING ENGINEERS
10 CONSTRUCTION INDUSTRY
11 HEALTH AND SECURITY FUND,
12 et al.,

13 Plaintiffs,

14 v.

15 BARRY CIVIL CONSTRUCTION,
16 INC.,

17 Defendant.

C13-1883 TSZ

ORDER

18 THIS MATTER comes before the Court on plaintiffs' unopposed motion for
19 summary judgment, docket no. 10. Having reviewed plaintiffs' motion and supporting
20 materials, the Court enters the following order.

21 **Discussion**

22 In answer to plaintiffs' complaint, defendant Barry Civil Construction, Inc.
23 ("BCC") admitted that it entered into an agreement with Local 302 of the International
Union of Operating Engineers ("Local 302") pursuant to which BCC is required to pay
monthly contributions to plaintiffs Locals 302 and 612 of the International Union of

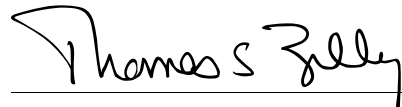
1 Operating Engineers Construction Industry Health and Security Fund, Locals 302 and
2 612 of the International Union of Operating Engineers-Employers Construction Industry
3 Retirement Fund, and Western Washington Operating Engineers-Employers Training
4 Trust Fund (collectively, the “Trusts”). Answer at § V (docket no. 6); see also Kafer
5 Decl. at ¶¶ 8 & 10 and Exs. A-E (docket no. 11). BCC has not made the requisite
6 payments to the Trusts for the period July 2013 through February 2014. Kafer Decl. at
7 ¶ 20. Liquidated damages and prejudgment interest on the unpaid balance have accrued.
8 Id. The Trusts have provided documentation, id. at Exs. F & G, concerning the amount
9 of delinquent contributions, dues, and Union Program (“UP”) payments, and the amount
10 of liquidated damages and prejudgment interest through April 15, 2014, the day before
11 the motion for summary judgment was filed. The record reflects that no genuine dispute
12 as to any material fact exists, and the Trusts are entitled to judgment as a matter of law.
13 See Fed. R. Civ. P. 56(a).

14 **Conclusion**

15 For the foregoing reasons, plaintiffs’ motion for summary judgment, docket
16 no. 10, is GRANTED. The Clerk shall enter judgment in favor of plaintiffs and against
17 defendant for \$129,922.52 in delinquent contributions, \$7,989.30 in delinquent dues and
18 UP payments, \$15,603.90 in liquidated damages, and \$6,997.11 in prejudgment interest,
19 for a total of \$160,512.83, which amount shall bear interest at the rate set forth in 28
20 U.S.C. § 1961 from April 16, 2014, until paid in full, together with costs to be taxed by
21 the Clerk pursuant to Local Civil Rule 54(d). Any motion for attorney fees shall be filed
22 in accordance with Federal Rule of Civil Procedure 54(d)(2).
23

1 IT IS SO ORDERED.

2 DATED this 20th day of June, 2014.

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5 Thomas S. Zilly
6 United States District Judge
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